

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JEFFREY M. JASKOL AND STACEY J.  
JASKOL, Individually and On Behalf Of All  
Others Similarly Situated,

Plaintiffs,

vs.

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, THOMAS  
D. DAVIS, BRUCE C. HAYDEN, and GRANT  
THORNTON LLP,

Defendants.

Case No. I :05-cv-268 (SLR)

**STIPULATION AND  
[PROPOSED] ORDER  
EXTENDING TIME FOR  
DEFENDANT TO ANSWER  
OR OTHERWISE RESPOND**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties  
and/or their counsel for the respective parties, as follows:

1. LeClair Ryan, A Professional Corporation is authorized to accept on behalf of  
defendant Bruce C. Hayden, and does hereby accept, service of the summons and complaint in  
this action without prejudice and without waiver of Hayden's defenses except as to sufficiency of  
service of process.

2. The time for Hayden to move, answer or otherwise respond to the complaint in  
this action is hereby extended to and including forty-five (45) days after the later of:  
(a) the Court's selection of a lead plaintiff pursuant to §21D(a)(3) of the Securities Exchange Act  
of 1934, 15 U.S.C. §78a, *et seq.*, as amended by the Private Securities Litigation Reform Act of  
1995 (the "PSLRA"), or (b) the date on which an amended complaint, if any, is served upon  
counsel for Hayden.

Dated: July 13, 2005

**MILBERG WEISS BERSHAD  
& SCHIULMAN LLP**

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Seth. Rigrodsky (#3 147)  
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--and--

**MILBERG WEISS BERSHAD  
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Steven G. Schulman  
David P. Brower  
Peter F. Seidman  
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Facsimile: (212) 868-1229

**Plaintiff's Counsel**

SO ORDERED.

Dated: \_\_\_\_\_, 2005

Dated: July 14, 2005

**RICHARDS, LAYTON & FINGER**

By: Raymond J. DiCamillo  
Raymond J. DiCamillo (#3188)  
Jeffrey L. Moyer (#3309)  
One Rodney Square  
920 North King Street  
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--and--

**LECLAIR RYAN, A PROFESSIONAL  
CORPORATION**

William E. Donnelly  
1701 Pennsylvania Avenue, N.W.  
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Washington, D.C. 20006

**Counsel for Defendant  
Bruce C. Hayden**

\_\_\_\_\_  
United States District Judge

**WEISS & LURIE**

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**Plaintiffs' Counsel**